



Atty. Dkt. No. 093286-0106

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Yves Auberson et al.

Title: NOVEL DIBENZO[B,F]OXEPINE-10-CARBOXAMIDES AND PHARMACEUTICAL USES THEREOF

Appl. No.: 10/565,456

§ 371(c)  
Filing Date: 7/10/2005

Examiner: Nobel E. Jarrell

Art Unit: 1624

Confirmation Number: 9883

**RESPONSE TO RESTRICTION AND  
ELECTION OF SPECIES REQUIREMENTS**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed February 26, 2008, Applicants hereby provisionally elect Group I, claims 1-7, 10, and 11, insofar as these claims are drawn to methods of using, compounds, and compositions of Formula I wherein X is O, and Y is CH.

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file a divisional application covering the subject matter of the non-elected Groups.

08/26/2008 SZEWDIE1 00000039 10565456

01 FC:1255

2230.00 0P

Applicants also provisionally elect the single disclosed species of Example 76, dibenzo[b,f]oxepine-10-carboxylic acid [(1S,2R)-1-benzyl-2-hydroxy-3-(6-isopropyl-2,2-dimethyl-chroman-4-ylamino)-propyl]-amide. Claims 1-7, 10 and 11 read on this species.

This election is made with traverse.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/25/08

By P.D.S.

FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street NW, Suite 500  
Washington, D.C. 20007-5143  
Telephone: (202) 672-5540  
Facsimile: (202) 672-5399

Paul D. Strain  
Attorney for Applicants  
Registration No. 47,369

Ann E. Summerfield  
Attorney for Applicants  
Registration No. 47,982